IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

WEDNESDAY, THE 21ST NOVEMBER 2007 / 30TH KARTHIKA 1929

RP.No. 785 of 2007(Y)

AGAINST THE JUDGEMENT/ORDER IN WPC.202/2007 Dated 29/06/2007

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REVISION PETITIONER/PETITIONER

TRESA JESSY K.F.
KALATHUNKAL HOUSE,
NOW RESIDING AT KAVALAKKAL HOUSE,
MILLUPADY,MUPPATHADAM, ALUVA-10.

BY ADV. SRI.T.P.SAJAN

RESPONDENTS:

1. STATE OF KERALA REPRESENTED BY
SECRETARY TO GOVERNMENT EDUCATIONAL DEPARTMENT
SECRETRIAT,THIRUVANANTHAPURAM.

2. DISTRICT EDUCATIONAL OFFICER,
W/O.THE D.E.O, ERAKULAM,

3. DISTRICT EDUCATIONAL OFFICER,
W/O. THE D.E.O., ERAKULAM.

4. THE GENERAL MANAGER
CORPORATE EDUCATIONAL AGENCY,
DIOCESE OF KOCHI,THOPPUMPADY,
KOCHI-682005.

5. JOSEPH SIJO T.K.
THAIPPADATH HOUSE,
KANNAMALI P.O., KOCHI-682 008.

6. JEROME JOSE K.V.,
KONOTHPARAMBIL EDAKOCHI, KOCHI -682 006.

BY ADV. SRI.V.JAYAKUMAR
GOVERNMENT PLEADER SRI.BENJAMIN PAUL

THIS REVIEW PETITION HAVING BEEN FINALLY HEARD ON 21/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

A.K.BASHEER, J.

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R.P.No.785 OF 2007 in W.P.(C)202/07

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Dated this the 21st day of November 2007

ORDER

Heard learned counsel for the review petitioner and the party respondents.

2. Petitioner apprehends that in the absence of an observation or direction in the judgment with regard to her entitlement to get notional seniority from the date when she became a rule 51B claimant, the departmental officer may not issue favourable orders in the matter.

I do not find any reason why the departmental officer shall take such a view, especially since the department had issued Ext.P10 order by which the right and eligibility of the petitioner to get appointment under Rule 51B in the next arising vacancy in the school had been upheld. The said order had become final as noticed by this court in its interim order dated, June 18, 2007. The mere fact that petitioner was denied appointment against the first vacancy that arose after accrual of the right and that she got appointment only in June 2007 will not deprive her the benefit of notional seniority from the date of arising of the first vacancy. With the above clarification, this review petition is closed.

(A.K.BASHEER, JUDGE)

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